

To: Albright, David[Albright.David@epa.gov]
Cc: Rebecca Sawyer[rsawyer@excelsiormining.com]
From: Stephen Twyerould
Sent: Mon 1/15/2018 10:23:56 PM
Subject: RE: Public hearing

Hi David, sorry I missed your call.

I suppose we are a little surprised at the EPA's decision to hold a hearing given that:

- after ~75 days of comment period there were only 4 comments, one of which was ours and the two from Earthworks were essentially the same as the APP comments
- there were two extra signatories on the Earthworks comments - hardly public outcry AND neither party considered things controversial enough to ask for a public hearing during the APP process
- if the two "extra parties" were serious, they would have filed their own comments and/or engaged with us or complained prior (neither of which has occurred)
- they have already submitted their comments so the need for a public hearing seems mute (especially given they don't explain why, or attempt to justify the need for, a public hearing)
- and finally, they had their information meeting with EPA, which gave them their "opportunity" for their teleconferencing / communications with the EPA prior to submitting their comments

I would have assumed that given the above, there would be limited justification for the expense and time resources of the EPA on such a clearly non-controversial project.

That said, it is EPA's decision not Excelsior's, and if you intend to hold a public hearing, we would like:

- to see it held ASAP (as a matter of urgency given every week of delay costs us about \$100,000)
- held on a Saturday (so our employees and other employed people can attend)
- held at the Dragoons Women's club (we do NOT intend to mobilize our support network, so room at this venue should not be an issue)
- to put out a press release at the same time this information goes public (meaning when you post it on your website OR when posted in the newspaper, whichever comes first; therefore

some coordination is needed).

Feel free to give me a call if you want to discuss.

Regards,

Stephen Twyerould

President & CEO



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From: Albright, David [mailto:Albright.David@epa.gov]

Sent: Friday, January 12, 2018 5:26 PM

To: Stephen Twyerould <stwyerould@excelsiormining.com>

Cc: Rebecca Sawyer <rsawyer@excelsiormining.com>

Subject: Public hearing

Hi Stephen,

I want to give you a heads-up that EPA will be scheduling a public hearing on the draft UIC permit in response to the request received during the comment period. I put in a call to both you and Rebecca this afternoon, but since I did not reach either of you I wanted to let you know by email.

We have not notified others at this point, but I expect we will do so next week. I do not have a specific date for the hearing yet, but we are working on scheduling it and once it is scheduled we will be issuing a 30-day notice in the local newspaper.

I will be back in the office Tuesday (Monday is a holiday) if you would like to call me then.

David Albright

Manager, Drinking Water Protection Section

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